

FILED
IN COURT
ASHEVILLE, N.C.
JUN 11 2014
U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA) DOCKET NO.1:07 CR 123-01
)
 v.)
)
 JACK W. SHEPHERD)

AMENDED FINAL ORDER OF FORFEITURE

BY SETTLEMENT OF MONEY JUDGMENT

BY CONSENT

WHEREAS on March 7, 2008, a Consent Order and Judgment of Forfeiture, including a money judgment of \$651,801.00, was entered against the defendant pursuant to his plea of guilty;

WHEREAS, the Judgment entered against the defendant on October 17, 2008, incorporated the Consent Order and Judgment of Forfeiture;

WHEREAS, the defendant has previously forfeited \$33,053.00 in United States currency, two vehicles, and twenty-five video poker machines, and he has paid a money judgment of \$200,000.00.

WHEREAS, in the Final Order of Forfeiture of February 2, 2010, the Court affirmed and re-imposed the money judgment of \$651,801.00;

WHEREAS, the money judgment of \$651,801.00 has not been paid by the defendant;

WHEREAS, the defendant has agreed to pay \$450,000.00 in full and final satisfaction of the money judgment of \$651,801.00;

WHEREAS, the United States has agreed to accept \$450,000.00 in full and final satisfaction of the money judgment of \$651,801.00;

WHEREAS, the United States has agreed to release all lis pendens and judgment liens against the defendant filed in North Carolina courts and registries of deeds;

WHEREAS, pursuant to Fed. R. Crim. P. 32.2(e)(1)(A), the Court "at any time" may "amend an existing order of forfeiture" with property "located and identified after that order was entered;"

WHEREAS, the United States avers that the proposed settlement described herein, if accepted by the Court, would be the final proceeding in forfeiture and that there will be no further forfeiture actions against the defendant in this case;

WHEREAS, the parties understand and agree that this Order does not affect the authority of the United States' Internal Revenue Service or the taxing agency of any state;

NOW, THEREFORE, pursuant to Fed. R. Crim. P. 32.2 (e)(1)(A), providing for the amendment of existing orders of forfeiture, the Final Order of Forfeiture of February 2, 21010, is amended and the following property is HEREBY FORFEITED to the United States:

The amount of \$450,000 in full and final satisfaction of the money judgment of \$681, 801.00.

The defendant is ordered to pay the money judgment to the United States within ten days of the entry of this Order.

The United States is ordered to release all lis pendens and judgment liens against the defendant filed in North Carolina courts and registries of deeds;

The Court shall retain jurisdiction to enforce this Order and to amend it as necessary,
pursuant to Fed. R. Crim. P. 32.2(e).

Both parties shall bear their own costs, including attorneys' fees.

IT IS SO ORDERED.

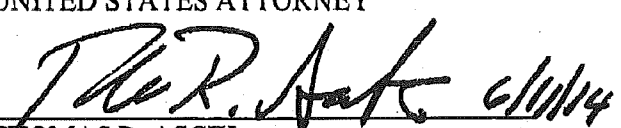
This the 11th day of June, 2014



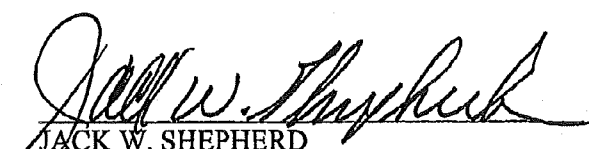
THOMAS SELBY ELLIS, III
UNITED STATES DISTRICT JUDGE

WITH CONSENT:

ANNE TOMPKINS
UNITED STATES ATTORNEY



THOMAS R. ASCIK
ASSISTANT UNITED STATES ATTORNEY



JACK W. SHEPHERD
DEFENDANT



ROBERT B. LONG, JR.
COUNSEL TO JACK W. SHEPHERD